

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ERNEST BATTLE,)
)
Petitioner,)
)
vs.) No. 4:03-CV-1662 (CEJ)
)
DAVE DORMIRE,)
)
Respondent.)

ORDER

This habeas corpus action is before the Court upon the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles, to whom the matter was referred pursuant to 28 U.S.C. § 636(b). On March 2, 2007, Judge Buckles issued a Report and Recommendation, recommending that the petition of Ernest Battle for writ of habeas corpus under 28 U.S.C. § 2254 be denied. No objections to the magistrate judge's Report and Recommendation were filed and the time allowed for doing so has expired.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles [#10] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of Ernest Battle for habeas corpus relief [#4] is **denied**.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the

Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).

A separate judgment in accordance with this order will be entered this date.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 13th day of March, 2007.